

**APPENDIX A**

Atty. Ref. No. 030738

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lhing-Yew Li, et al.

## PATENT APPLICATION

POLYNUCLEOTIDE CONSTRUCTS  
ENCODING ASPARTATE KINASE,  
ASPARTATE-SEMIALDEHYDE  
DEHYDROGENASE, AND  
DIHYDRODIPICOLINATE REDUCTASE  
AND RELATED CONSTRUCTS, PRODUCTS,  
AND METHODS

Serial No.: 10/067,974

Group Art Unit: 1652

Filed: February 8, 2002

Examiner: Kerr, Kathleen M.

Pittsburgh, Pennsylvania 15219  
June 14, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**STATEMENT PURSUANT TO MPEP § 2404.01**  
**TO IRREVOCABLY REMOVE RESTRICTIONS TO ACCESS BIOLOGICAL**  
**DEPOSITS UPON PATENTING**

Sir:

This is a submission of a Statement pursuant to MPEP § 2404.01 concerning availability of deposited biological materials upon the grant of patent rights.

Applicants hereby state that the biological materials deposits made pursuant to the instant application as set forth by the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure in an approved International Depository Authority, namely the Agricultural Research Service, Culture Collection (NRRL) 1815 North

Atty. Ref. No. 030738

University Street, Peoria, Illinois 61604, as itemized below, are made available upon the granting of the patent and irrevocably remove any restrictions on the availability to the public upon the granting of said patent.

Table 1

<u>Construct deposited</u>	<u>Deposit Date</u>	<u>Deposit number assigned</u>
A::pK184-KABD'L	October 19, 1999	NRRL B-30218
B::pK184-KDAB	October 19, 1999	NRRL B-30219
C::pK184-KDABD'L	October 19, 1999	NRRL B-30220
D::pK184-KDAB	October 19, 1999	NRRL B-30221
E::2(KDABD'L)	October 19, 1999	NRRL B-30222
pk184-KDABD'L	October 19, 1999	NRRL B-30228
pDElia2-KDABdL	February 9, 2000	NRRL B-30234
pDElia2-KDABd1	February 7, 2000	NRRL B30235
pk184-KDBH	March 8, 2001	NRRL B-30410
pDElia2 <sub>FCS</sub> -KDB	May 10, 2001	NRRL B-30458
pDElia2 <sub>FCS</sub> -KDB2	May 10, 2001	NRRL B-30459
::pDElia2 <sub>FCS</sub> -KDB2HP1L	December 13, 2001	NRRL B-30522

The undersigned inventor declares that the foregoing is true and correct, that all statements made on information and belief are believed to be true, and, further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States

Atty. Ref. No. 030738

Code, and that false statements may jeopardize the validity of a patent which issues from the  
above-identified patent application.

Respectfully submitted,



Lhing-Yew Li, Ph.D.  
Inventor

Date:

June 14, 2005